

Council 5/25/23 FOLLOW UP

Question: How do we rescind the motion made in November 24, 2022 regarding the reduction of councilors for the Municipal Boundary review?

Response: As per Jason Haughn, our municipal advisor (thank you Jason!):

1. The process to Rescind a motion depends on what Parliamentary Authority the town uses. Under Robert's Rules of Order Newly Revised (12th ed) the process is described at 35:1 starting on page 288. Under Bourinot's Rules of Order (4th ed), the process is described at page 47. At a **very high level**, Bourinot requires notice of motion prior to the meeting before the motion to rescind may be introduced, debated and decided by majority vote. RONR goes into much more detail but (and at a **super-high-level**) if notice is given prior to the meeting a majority is required, if the motion to rescind is moved without previous notice a two-third vote is required. Of course, rescinding/repealing by-laws is outlined in the MGA.

Since the Town's Council Meeting and Procedures Bylaw does not have a provision to rescind a motion, Section 15 of the Bylaw states that "in any case for which provision is not made herein the procedure to be followed shall be as described in "Bourinot's Rules of Order fourth revised edition" by Geoffrey Stanford and as revised from time to time."

The section of Bourinot's Rules as directed by J. Haughn is below:

36. Motions

When a vote has been taken and the motion declared either carried or lost, that decision becomes formally the decision of the body in question and its adoption is recorded in the minutes of the meeting. Once decided a question cannot be brought up again at the same meeting, but if it should become necessary to rescind a motion that has been passed, notice of intention to do so can be given at one meeting or in advance in some other way. A motion for rescinding is then introduced and dealt with at a subsequent meeting. Ordinarily a motion that has once failed cannot be reintroduced; however, the decision can be later reconsidered (see below) or another motion of similar intent but differing in some particulars can be considered at the discretion of the chair. The democratic right to introduce a proposition in the form of a motion, and to have a full debate and a free vote on the matter, carries with it an obligation on the part of the majority to respect its own decisions, just as the minority is obliged to accept and respect the decisions of the majority. In other words, a decision reached by due process must be recognized and observed as such by all concerned; if it calls for action, that action must be taken.

Therefore, since the rescission of the motion to approve the reduction of the number of members of council, for the Municipal Boundary review, was discussed at the council meeting May 25, that shall be considered as 'notice given'. However, we will also provide notice in the Business section of the Committee of the Whole meeting June 8, 2023.

Question: Do Council minutes need to be approved by Council or can they be approved by Committee of the Whole as well?

Response: As per Jason Haughn, our municipal advisor (thank you Jason!):

1. Minutes are read and approved by the body from which they were produced. Therefore minutes for council meetings are approved at the next meeting of council while minutes of Committee of the Whole are approved that the next meeting of the Committee of the Whole, and so on.

Question: During the Committee of the Whole May 11, as Deputy CAO, there were questions asked that I was unable to answer. Following the meeting, after researching the questions, I documented the responses to each. I emailed the document to the councilors the following week where in response, a councilor asked me to post them to our website and social media. At the following council meeting it was suggested that this document must be approved as part of the meeting minutes before it can be posted. **Is a document created outside of a council meeting need to be approved before it can be posted on a public forum?**

Response: As per Jason Haughn, our municipal advisor (thank you Jason!):

1. I may be missing something here on this question because it sounds like a corporate communications question and not procedural to me. Minutes are the official record of the proceedings of the town. Minutes record decisions of the council and are considered draft until such time as the council approves them. It would seem to me that the minutes of the May 11 meeting would record that the deputy CAO was asked a question and was either directed to research the answer or committed to research an answer. Procedurally, it would be certainly be appropriate at the following meeting to note in the agenda item <business arising from the minutes> that research took place and an answer was provided to members in the interim time between meetings, and the content could certainly be reshared if desired. How the town communicates with the public between meetings is rarely governed by meeting procedures – what you're describing seems like a corporate communications policy issue.

Therefore, I will continue the practice of researching unanswered questions, documenting responses and posting them to the website and social media. However, as Mr. Haughn suggested we could reshare the document at the next meeting if required by council to do so.

Question: What is the timeframe for the Tax Sale?

Response: The letter of intent to sell was sent by registered mail on May 30 which gives the owner 60 days to pay the outstanding taxes owed prior to the Tax Sale tender opening August 2. I've also included the Tax Sale portion of the MGA for a more detailed description.